



**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-02799

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

His "uncharacterized" entry level separation (ELS) be upgrade to general (under honorable conditions) or honorable.

**APPLICANT'S CONTENTIONS**

He wanted to have a full career in the Air Force but due to hazing by the black rope in charge of quarters (CQ), he was wrongfully detained, never charged and was transferred to t-flight and discharged from there. From the trauma of this event, he began to self-medicate and abuse drugs, and it was not until he met his fiancé at 28 years old, was he able to start getting his life together. After years of therapy, he is trying to get his life back in order.

In support of his request for a discharge upgrade, the applicant provides a statement in support of claim to the Department of Veterans Affairs (DVA).

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force airman basic (E-1).

On 22 Oct 04, the applicant received an ELS. His narrative reason for separation is "Entry Level Performance or Conduct" and he was credited with 4 months and 18 days of total active service.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit D.

**APPLICABLE AUTHORITY/GUIDANCE**

**AFBCMR Docket Number BC-2024-02799**

[REDACTED]

On 3 Sep 14, the Secretary of Defense issued a memorandum providing guidance to the Military Department Boards for Correction of Military/Naval Records as they carefully consider each petition regarding discharge upgrade requests by veterans claiming PTSD. In addition, time limits to reconsider decisions will be liberally waived for applications covered by this guidance.

On 25 Aug 17, the Under Secretary of Defense for Personnel and Readiness (USD P&R) issued clarifying guidance to Discharge Review Boards and Boards for Correction of Military/Naval Records considering requests by veterans for modification of their discharges due in whole or in part to mental health conditions [PTSD, Traumatic Brain Injury (TBI), sexual assault, or sexual harassment]. Liberal consideration will be given to veterans petitioning for discharge relief when the application for relief is based in whole or in part on the aforementioned conditions.

Under Consideration of Mitigating Factors, it is noted that PTSD is not a likely cause of premeditated misconduct. Correction Boards will exercise caution in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct. Liberal consideration does not mandate an upgrade. Relief may be appropriate, however, for minor misconduct commonly associated with the aforementioned mental health conditions and some significant misconduct sufficiently justified or outweighed by the facts and circumstances.

Boards are directed to consider the following main questions when assessing requests due to mental health conditions including PTSD, TBI, sexual assault, or sexual harassment:

- a. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
- b. Did that condition exist/experience occur during military service?
- c. Does that condition or experience actually excuse or mitigate the discharge?
- d. Does that condition or experience outweigh the discharge?

On 25 Jul 18, the Under Secretary of Defense for Personnel and Readiness issued supplemental guidance, known as the Wilkie Memo, to military corrections boards in determining whether relief is warranted based on equity, injustice, or clemency. These standards authorize the board to grant relief in order to ensure fundamental fairness. Clemency refers to relief specifically granted from a criminal sentence and is a part of the broad authority Boards have to ensure fundamental fairness. This guidance applies to more than clemency from sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds. This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. Each case will be assessed on its own merits. The relative weight of each principle and whether the principle supports relief in a particular case, are within the sound discretion of each Board. In determining whether to grant relief on the basis of equity, an injustice, or clemency grounds, the Board should refer to paragraphs 6 and 7 of the Wilkie Memo.

On 4 Sep 24, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit C).

[REDACTED]

Air Force Instruction (AFI) 36-3208, *Administrative Separation of Airmen*, dated 9 Jul 04, describes the authorized service characterizations that were applicable at the time of the applicant's separation.

**Entry Level Separation.** Airmen are in entry level status during the first 180 days of continuous active military service or the first 180 days of continuous active military service after a break of more than 92 days of active service. Determine the member's status by the date of notification; thus, if the member is in entry level status when initiating the separation action, describe it as an entry level separation unless:

- A service characterization of under other than honorable conditions is authorized under the reason for discharge and is warranted by the circumstances of the case; or
- The Secretary of the Air Force determines, on a case-by-case basis, that characterization as honorable is clearly warranted by unusual circumstances of personal conduct and performance of military duty.

**Honorable.** The quality of the airman's service generally has met Department of the Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

**Under Honorable Conditions (General).** If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record.

## **AIR FORCE EVALUATION**

The AFRBA Psychological Advisor finds insufficient evidence to support the applicant's request for an upgrade of his discharge based on his mental health condition. A review of the available records finds no evidence to substantiate any of the applicant's contentions. His official discharge paperwork is not available for review, so the actual detailed reason for his discharge for entry level performance or conduct is unknown at this time. It is possible he was discharged for the reasons he claimed in his statement to the DVA, but there are no records to substantiate his claims. His service treatment records are also not available or submitted by the applicant for review, and the available records find no evidence or records to confirm he had any mental health conditions including post-traumatic stress disorder (PTSD) or sustained a traumatic brain injury (TBI) during service. There are no records he was ever diagnosed with PTSD or a TBI caused by his military duties/service by a duly qualified mental health or medical professional during service or in his lifetime. He described some stressful experiences he had during service, but they do not appear to meet the diagnostic criteria of a traumatic event for PTSD, nor did he discuss having any PTSD symptoms at the time of service. He did not discuss how his TBI impaired or impacted his overall functioning. He submitted no records to corroborate the notion he had a mental health condition or TBI developed from his military service, or his mental health condition or TBI had caused his

[REDACTED]

discharge. There is no evidence or records his mental health condition or TBI had a direct impact or was a contributing factor to his entry level performance or conduct resulting in his ELS. Due to his missing discharge paperwork and service treatment records, the presumption of regularity is applied and there is no error or injustice identified with his discharge from a mental health perspective. The burden of proof is placed on the applicant to submit the necessary records to support his claims and request for an upgrade of his discharge. The applicant was furnished with an ELS because he served less than 180 days of continuous active military service and this characterization is consistent with the past regulation of AFI 36-3208, the regulation he was discharged under, and to present regulation of Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*.

**LIBERAL CONSIDERATION:** Liberal consideration is applied to the applicant's request due to this contention of having a mental health condition and sustaining a TBI. It is reminded, liberal consideration does not mandate an upgrade per policy guidance. The following are responses to the four questions from the Kurta Memorandum based on information presented in the records:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

The applicant marked "PTSD", "TBI", and "other mental health" on his application to the AFBCMR and provided no clarifying explanation for these conditions such as his traumatic experience during service, how it was related to his military service, when he was diagnosed with his condition, how his TBI impacted his overall functioning, identify his other mental health condition, and how his mental health condition and/or TBI may excuse or mitigate his discharge.

2. Did the condition exist or experience occur during military service?

There is no evidence or records the applicant's mental health condition of PTSD, any other mental health condition, or TBI had existed or occurred during his military service. There are no records to confirm he was ever diagnosed with any mental health condition or a TBI during service or in his lifetime.

3. Does the condition or experience excuse or mitigate the discharge?

There is no evidence or records to demonstrate or substantiate the applicant's mental health condition including PTSD and/or a TBI had a direct impact or was a contributing factor to his entry level performance and conduct resulting in his ELS. His mental health condition or TBI does not excuse or mitigate his discharge.

4. Does the condition or experience outweigh the discharge?

Since his mental health condition or TBI does not excuse or mitigate his discharge, his mental health condition or TBI also does not outweigh his original discharge. He was discharged under ELS for serving less than 180 days of active-duty service and furnished with an uncharacterized character of service. This characterization is in accordance with past and present regulations.

The complete advisory opinion is at Exhibit D.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

[REDACTED]

The Board sent a copy of the advisory opinion to the applicant on 16 Nov 24 for comment (Exhibit E) but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was not timely filed but the untimeliness is waived because it is in the interest of justice to do so. Therefore, the Board declines to assert the three-year limitation period established by 10 U.S.C. Section 1552(b).
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board applied liberal consideration to the evidence submitted by the applicant; however, it is not sufficient to grant the applicant's request. There is no evidence or records the applicant's TBI or any other mental health condition existed or occurred during his military service. Furthermore, there are no records or evidence the applicant was diagnosed with TBI or a mental health condition during service or in his lifetime. Therefore, his contended mental health condition does not excuse or mitigate his discharge. Airmen are given uncharacterized ELS when they fail to complete a minimum of 180 days of continuous active military service and the applicant served 4 months and 18 days of active service, therefore, the type of separation and character of service are correct as indicated on his DD Form 214. The Secretary of the Air Force (SAF) can determine honorable service is warranted if unusual circumstances of personal conduct and performance of military duty is present; however, the Board finds no evidence to suggest such. Additionally, the applicant has provided no evidence which would lead the Board to believe his service characterization was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed and finds no evidence to support his contention he was hazed or wrongfully detained while in the service. Therefore, the Board recommends against correcting the applicant's records.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

## **RECOMMENDATION**

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

## **CERTIFICATION**

[REDACTED]

The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-02799 in Executive Session on 21 May 25:

[REDACTED], Panel Chair  
[REDACTED], Panel Member  
[REDACTED], Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 9 Aug 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 4 Sep 24.
- Exhibit D: Advisory Opinion, AFRBA Psychological Advisor, dated 4 Nov 24
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 26 Nov 24.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

6/7/2025

X [REDACTED]

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[REDACTED]  
Board Operations Manager, AFBCMR  
Signed by: USAF